

KEKER & VAN NEST LLP  
ROBERT A. VAN NEST - #84065  
rvannest@kvn.com  
CHRISTA M. ANDERSON - #184325  
canderson@kvn.com  
DANIEL PURCELL - #191424  
dpurcell@kvn.com  
633 Battery Street  
San Francisco, CA 94111-1809  
Telephone: 415.391.5400  
Facsimile: 415.397.7188

KING & SPALDING LLP  
DONALD F. ZIMMER, JR. - #112279  
fzimmer@kslaw.com  
CHERYL A. SABNIS - #224323  
csabnis@kslaw.com  
101 Second St., Suite 2300  
San Francisco, CA 94105  
Tel: 415.318.1200  
Fax: 415.318.1300

KING & SPALDING LLP  
SCOTT T. WEINGAERTNER (*Pro Hac Vice*)  
sweingaertner@kslaw.com  
ROBERT F. PERRY  
rperry@kslaw.com  
BRUCE W. BABER (*Pro Hac Vice*)  
1185 Avenue of the Americas  
New York, NY 10036  
Tel: 212.556.2100  
Fax: 212.556.2222

IAN C. BALLON - #141819  
ballon@gtlaw.com  
HEATHER MEEKER - #172148  
meekerh@gtlaw.com  
GREENBERG TRAURIG, LLP  
1900 University Avenue  
East Palo Alto, CA 94303  
Tel: 650.328.8500  
Fax: 650.328-8508

Attorneys for Defendant  
GOOGLE INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,  
  
Plaintiff,  
  
v.  
  
GOOGLE INC.,  
  
Defendant.

Case No. 3:10-cv-03561-WHA

**DECLARATION OF DANIEL PURCELL  
IN SUPPORT OF GOOGLE INC.'S  
SUPPLEMENTAL BRIEF IN SUPPORT  
OF MOTION *IN LIMINE* NO. 3 TO  
EXCLUDE PORTIONS OF COCKBURN  
REPORT ON DAMAGES**

Judge: Hon. William Alsup

Date Comp. Filed: October 27, 2010



1 I, Daniel Purcell, declare as follows:

2 1. I am a partner in the law firm of Keker & Van Nest LLP, counsel to Google Inc.  
3 (“Google”) in the present case. I submit this declaration in support of Google Inc.’s  
4 Supplemental Brief in Support of Motion *in Limine* No. 3 To Exclude Portions of Cockburn  
5 Report on Damages. I have knowledge of the facts set forth herein, and if called to testify as a  
6 witness thereto could do so competently under oath.

7 2. Attached hereto as **Exhibit A** are true and correct copies of excerpted pages from  
8 the transcript of the deposition of Dr. Iain M. Cockburn, taken October 17, 2011.

9 3. Attached hereto as **Exhibit B** is a true and correct copy of Dr. Cockburn’s Reply  
10 to the report of Google damages expert Dr. Gregory Leonard, dated October 10, 2011.

11 4. Attached hereto as **Exhibit C** is a true and correct copy of a Sun Microsystems  
12 presentation, dated Febraury 2006 and titled “Project Armstrong: Business Model.” This  
13 document was produced by Oracle in this case bearing the production numbers  
14 OAGOOOGLE0100166874 through OAGOOOGLE0100166899.

15 5. Attached hereto as **Exhibit D** is a true and correct copy of a March 20, 2006  
16 email from Sun employee Kathleen Knopoff titled “finance preso,” which attached the February  
17 2006 Project Armstrong presentation attached hereto as Exhibit C. The March 20, 2006 email  
18 was produced by Oracle in this case bearing the production number OAGOOOGLE0100166873.

19 6. Attached hereto as **Exhibit E** is a true and correct copy of Dr. Cockburn’s Reply  
20 to the report of Google damages expert Dr. Alan Cox, dated October 10, 2011.

21 I declare under penalty of perjury that the foregoing is true and correct and that this  
22 declaration was executed at San Francisco, California on October 20, 2011.

23  
24 By: /s Daniel Purcell  
25 DANIEL PURCELL  
26  
27  
28